

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of	)	CA 04-01
	)	
HILO ENGINEERING, INC. and	)	
Rodney Kawamura,	)	
	)	
Respondents.	)	
_____	)	

CONCILIATION AGREEMENT

On or around June 2003, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondents, Hilo Engineering, Inc. and Rodney Kawamura ("Hilo Engineering"). The Business Registration Division of the Department of Commerce and Consumer Affairs indicate that Hilo Engineering's purpose is general engineering and surveying, whose business address is 484 Kalanikoa Street, Hilo, Hawaii. Business registration records further indicate that the officers of Hilo Engineering are Rodney Kawamura, President and Myra Kawamura, Secretary. The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, Hilo Engineering and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.

- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or corrective action taken by Respondents pursuant to section 11-216(g), HRS.
- III. That Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondents waive the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondents enter into this Agreement with the Commission on their own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
  1. On or around June 2003, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of the Stephen K. Yamashiro campaign committee ("Yamashiro"), initiated an investigation involving excess contributions in violation of particular campaign finance statutes.
  2. Section 11-204(a)(1)(C), HRS, reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year nonstatewide office or to the candidate's committee in an aggregate amount greater than \$4,000 during an election period.

3. Section 11-202, HRS reads in part as follows: No person shall make a contribution of the person's own money or property, or money or property of another person to any candidate, party, or committee in connection with a nomination for election, or election, in any name other than the true name of the person who owns the money or who supplied the money or property.
4. The Commission finds that contributions made to the Yamashiro committee by family members, employees and friends of Hilo Engineering total \$22,000 for the review period of 1995-2000 and include:

Rodney Kawamura	Jul 1995	\$ 500
Myra Kawamura		\$1,500
Kiyoichi Kawamura		\$1,000
James Kawano		\$1,000
Tomoe Yoshioka		\$1,000
Blaine Kawamura	Jul 1996	\$ 500
Kiyoichi Kawamura		\$ 500
Rodney Kawamura		\$1,000
Myra Kawamura		\$1,000
James Kawano		\$1,000
Tomoe Yoshioka		\$1,000
Kiyoichi Kawamura	Oct 1996	\$1,000
Rodney Kawamura		\$1,000
Myra Kawamura		\$1,000
James Kawano		\$1,000
Mark Yoshioka		\$1,000
Cindy Kawamura	Aug 1997	\$ 500
Myra Kawamura		\$ 500
James Kawano		\$1,000
Mark Yoshioka		\$ 500
Tomoe Yoshioka		\$ 500
Rodney Kawamura	Jul 1998	\$1,000
Myra Kawamura		\$1,000

Rodney Kawamura	Aug 1999	\$1,000
Myra Kawamura		\$1,000

5. The Commission finds that of the total contributions, six contributions totaling \$6,000 exceeded the contribution limit.
6. The Commission finds that on eleven occasions, contributions by Hilo Engineering were made through another individual.
7. That Hilo Engineering failed to file an organizational report pursuant to section 11-194, HRS.
8. That Hilo Engineering failed to file disclosure reports pursuant to sections 11-212 and 11-213, HRS.

#### VII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #04-01, Hilo Engineering understands and agrees to the following:

- (A) Hilo Engineering agrees to an assessment of **Twelve Thousand Dollars (\$12,000)** pursuant to section 11-228, HRS.
  - (1) For violation of section 11-204(a)(1)(C), HRS, making excess campaign contributions to the Yamashiro campaign committee for the 1996 election period; and
  - (2) For violation of section 11-202, HRS, making false name campaign contributions to the Yamashiro campaign committee.

(B) Hilo Engineering agrees to comply with campaign finance statutes on contribution and expenditures to candidate committees.

(C) Terms of payment of the assessment shall be by Order of the Commission.

VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.

IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.

X. This Agreement constitutes the entire agreement between the Commission and Hilo Engineering on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this Agreement made by either party or by agents of either party shall be enforceable.

XI. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

Conciliation Agreement 04-01  
Hilo Engineering and Rodney Kawamura

**FOR THE COMMISSION:**

Robert Y. Watada, Executive Director

By: \_\_\_\_\_

Date: \_\_\_\_\_

**FOR THE RESPONDENT(S)**

Rodney Kawamura

By: \_\_\_\_\_

(Name)

(Title)

Date: \_\_\_\_\_